

The Chairman, Ted Dziurman, called the Building Code Board of Appeals meeting to order at 8:30 A.M., on Wednesday, February 6, 2002.

PRESENT: Ted Dziurman
Richard Sinclair
Bill Need
Frank Zuazo
Rick Kessler

ALSO PRESENT: Mark Stimac
Ginny Norvell
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JANUARY 2, 2002

Motion by Need
Supported by Kessler

MOVED, to approve the minutes of the meeting of January 2, 2002 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. A.J. BOWMAN, 5615 JOHN R., for relief of Chapter 83 to erect a 6' high privacy fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to erect a 6' high privacy fence at 5615 John R. This property is located at the northwest corner of the intersection of John R and Abbottsford and is by definition a double front corner lot. As such it has a front yard on both John R. and Abbottsford. The site plan submitted indicates a 6' high privacy fence in the front setback along Abbottsford. Chapter 83 limits the height of fences in front setbacks to 30".

A.J. Bowman was present and stated that he is a U.S. Army veteran and moved from Royal Oak to Troy approximately six (6) years ago. Mr. Bowman stated that he takes great pride in his property and has worked very hard to make improvements. Mr. Bowman went on to say that is very concerned about the safety, welfare and security of his family. Mr. Bowman said that on more than one occasion he has observed suspicious vehicles parked along his property on Abbottsford. Mr. Bowman also said that one of his nephews has hurt himself by going into the ditch along John R.

Mr. Dziurman asked Mr. Bowman about the existing fence, and Mr. Bowman stated that the fence on the north side of the property was installed first. Mr. Bowman went on to say that a contractor installed the fence at the rear of the property, but he did not realize he needed a permit, and did not know he was in violation until he received a notice from the Building Department.

ITEM #2 – con't.

Mr. Need asked Mr. Stimac about the proposed fence on the south side of the property. Mr. Stimac explained that the Building Department could not issue a permit for this fence, as it does not conform to the Ordinance because it is too high.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written objection on file. There are no written approvals on file.

Mr. Dziurman asked if Mr. Bowman had spoken to the neighbors, who would be the most affected by this fence. Mr. Bowman stated that no one has approached him and told him that they would not approve of this fence, and also that he has literally changed the appearance of this property from “night to day”. Mr. Bowman also stated that he has spoken to several of his friends and attorneys, and neither they nor he, believes that this Ordinance applies to his property. Mr. Bowman believes that this Ordinance is incorrect. Mr. Dziurman pointed out that if the fence were to be moved back, a variance would not be required.

Mr. Need asked Mr. Bowman what his hardship was, and why he needed to put the fence in this location. Mr. Bowman stated that he feels like they are living in a zoo and wished to enclose his yard and provide security for his family. He indicated a concern that young children could get out into the open ditch along Abbotsford. Mr. Dziurman pointed out that Mr. Bowman could put up a 6’ high privacy fence but needed a variance because he wished to put the fence along the street. Mr. Need stated that the fence could be placed further back on the property and would give Mr. Bowman the protection from the ditch he was asking for.

Mr. Stimac explained that in the R-1C Zoning District a 30’ front yard setback and presently the existing home has a 10’ setback.

Motion by Need
Supported by Kessler

MOVED, to grant A.J. Bowman, 5615 John R., relief of Chapter 83 to erect a 6’ high privacy fence along Abbotsford.

- Fence is to be erected no closer than 10’ from the south property line.
- Petitioner did not demonstrate a hardship for the fence to be at the property line.
- This variance would not be contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE WITH STIPULATION CARRIED

ITEM #3 – VARIANCE REQUESTED. PATTI FRANZ, OF ALLIED SIGNS, INC., 100 E. BIG BEAVER – SBC, for relief of Chapter 78 to replace two existing wall signs located on the penthouse at 100 E. Big Beaver.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to replace two existing wall signs, which are each 428 square feet in size. These signs were approved with a variance in March 1999. The replacement signs are each 309 square feet.

Section 9.02.03, A of the Sign Ordinance permits only one major wall sign, 200 square feet in size. Section 2.02.05 prohibits the placement of any sign above the roofline. The proposal submitted exceeds the permitted number of signs and the maximum size permitted by the Ordinance. In addition, being above the roofline, it does not comply with placement restrictions.

Mr. Randy Schmidt of Allied Signs was present and stated that they wished to replace the existing signs with signs which will actually be smaller in size. Mr. Schmidt explained that the new signs are necessary because of a name change. Mr. Schmidt also stated that they wished the new signs to remain in the same location.

Mr. Dziurman asked if other signs were going to be changed and Ms. Norvell stated that just the face of the existing ground sign will be changed and that permits are not required for that scope of work.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Motion by Need
Supported by Sinclair

MOVED, to grant Allied Signs, Inc., 100 E. Big Beaver – SBC, relief of Chapter 78 to replace two existing wall signs located on the penthouse at 100 E. Big Beaver.

- Replacement signs will be smaller than existing signs.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. WARREN SIGN SYSTEMS, REPRESENTING CHAMPION CELLULAR WAREHOUSE, 2551 LIVERNOIS, for relief to install a 33 square foot wall sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install a 33 square foot wall sign at 2551 Livernois. Section 9.02.03, D of the Sign Ordinance limits the size of a tenant identification wall sign to 20 square feet in the O-M Zoning District. The proposed sign will exceed the maximum square footage allowed by the Ordinance.

Jeff Johnson, of Warren Signs was present and stated that this store is a cellular telephone outlet and that visibility is very poor for oncoming traffic. Mr. Johnson went on to say that they are attempting to develop uniformity from one location to another by having the same identifying sign. Mr. Johnson also explained that if this business was located in a normal business zoned district, rather than an office zoned district a larger sign would be allowed.

Mr. Dziurman asked what the size of the present sign and Mr. Johnson said that it is 28 square feet. Ms. Norvell stated that Building Department records indicate that the existing sign should only be 20 square feet.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Stimac clarified that in a business zoned district, a sign could be 10% of the face of the building; therefore based upon the size of this tenant space, the maximum size of the sign could be 33'.

Mr. Johnson stated that a 20 square foot sign would make visibility very poor and the sign would not be legible.

Motion by Need
Supported by Kessler

MOVED, to deny the request of Warren Sign Systems, representing Champion Cellular Warehouse, 2551 Livernois, for relief to install a 33 square foot wall sign.

- Petitioner did not demonstrate a hardship.

Yeas: 2 – Need, Kessler
Nays: 3 – Dziurman, Zuazo, Sinclair

MOTION TO DENY FAILS

ITEM #4 – con't.

Motion by Sinclair

Supported by Zuazo

MOTION to approve the request of Warren Sign Systems, representing Champion Cellular Warehouse, 2551 Livernois, relief to install a 33 square foot wall sign.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: 3 – Zuazo, Sinclair, Dziurman

Nays: 2 – Kessler, Need

MOTION TO GRANT REQUEST CARRIED

ITEM #5 –VARIANCE REQUESTED. PAUL SCREWS, 1663 HILLMAN, for relief of Chapter 83 to erect a 4' fence.

Mr. Stimac explained that the petitioner is requesting relief to erect a 48" fence at 1663 Hillman. This property is located at the southwest corner of Hillman and Langford and is, by definition, a double front corner lot. As such it has front yards along both Hillman and Langford. Chapter 83 limits the height of fences in front setbacks to 30". The permit application submitted indicates a 48" high non-obscuring fence in the front setback along Langford.

Mr. Paul Screws was present and stated that presently he has a 30" split rail fence and wished to replace it with a 4' aluminum picket fence. Mr. Screws explained that they have two small dogs and he has placed wire along the split rail fence in order to keep the dogs in his yard. Mr. Screws stated that he would like a fence that is more modern and would require less upkeep. Mr. Screws also said that because of the location of the fence it would not create a problem with visibility from the corner.

Mr. Dziurman stated that from the site plan submitted it was apparent that the proposed fence would be put in an easement area. Mr. Screws stated that he was aware of this and realized that if anyone had to get on the property the fence would have to be removed.

Mr. Need asked Mr. Screws if there would be any hardship if the fence were to be moved a few feet off the property line to allow for some landscaping to be placed between the fence and the sidewalk. Mr. Screws stated that he saw no problem with that requirement.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are six (6) written approvals on file. There are no objections on file.

ITEM #5 – con't.

Motion by Need

Supported by Zuazo

MOVED, to grant Paul Screws, 1663 Hillman, relief of Chapter 83 to erect a 4' non-obscuring fence in the front setback along Langford.

- Fence will be erected at least 3' from the front property line.
- Additional landscaping will be provided between the sidewalk and fence line.

Yeas: 4 – Zuazo, Dziurman, Kessler, Need

Abstain: 1 – Sinclair

MOTION TO GRANT VARIANCE REQUESTED

ITEM #6 - VARIANCE REQUESTED. ALLIED SIGNS, 1794 MAPLELAWN, SUBARU, for relief of Chapter 78 to install a secondary wall sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install a secondary wall sign at 1794 Maplelawn that would be 43 square feet in size. The petitioner has a 32 square foot primary wall sign with the name Mazda and wishes to install a second 43 square foot Subaru sign. Section 9.02.05, A of the Sign Ordinance limits the size of a secondary wall sign to 20 square feet.

Randy Schmidt of Allied Signs was present and stated that this is the smallest size they could erect, which would still allow the sign to be illuminated. Mr. Schmidt also explained that this logo is given to them by the parent company, and is used to create conformity for each dealership.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Kessler

Supported by Sinclair

MOVED, to grant Allied Signs, 1794 Maplelawn, Subaru, relief of Chapter 78 to install a secondary wall sign that would be 43 square feet in size.

- Variance is not contrary to public interest.
- Variance would not have an adverse effect on surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUESTED. BEACON SIGN COMPANY, 5600 CROOKS,
for relief of Chapter 78 to install 4-tenant wall signs on existing canopies.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install 4 wall signs, each 6 square feet in size, on the existing canopies at 5600 Crooks. Section 9.02.03, D of the Sign Ordinance permits one tenant identification wall sign a maximum size of 20 square feet at this location. The proposal to install 4 signs exceeds the number permitted by the Ordinance. This location also currently displays the primary sign for this building. The allowable 200 square feet of primary signage is used to encompass the two 27 square foot “Palm Restaurant “ signs and the area in between to form one sign. Mr. Stimac also stated that presently the existing signs take up a total of 78 square feet.

Mr. Paul Harris of Beacon Sign Company was present and stated that they wished to add these signs for increased visibility. Mr. Harris also stated that these signs would be aesthetically pleasing.

Mr. Need asked for clarification regarding the amount of square footage requested and Mr. Stimac explained that the petitioner is requesting an additional 24 square feet.

Mr. Zuazo asked if the addition of the new signs would bring the total amount of signage to more than 200 square feet, and Mr. Stimac stated that the signage would still be below 200 square feet.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Need
Supported by Sinclair

MOVED, to grant Beacon Sign Company, 5600 Crooks, relief of Chapter 78 to install 4-tenant wall signs on existing canopies.

- Total amount of signage will not exceed allowable amount of 200 square feet.
- Additional signs will be letters added to bottom of canopies.
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:23 A.M.

MS/pp